

**875—81.3(17A,89) Criteria for waiver or variance.** In response to a petition completed pursuant to this chapter, the board may, in its sole discretion, issue an order waiving, in whole or in part, the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:

**81.3(1)** The application of the rule would impose an undue hardship on the person for whom the waiver is requested;

**81.3(2)** The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;

**81.3(3)** The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and

**81.3(4)** Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.